

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHERYL A. TINDER-HOWELL, on
behalf of herself and all others similarly
situated,
Plaintiff,

v.
UNION PACIFIC RAILROAD COMPANY,
successor TO SOUTHERN PACIFIC
TRANSPORTATION COMPANY, SFPP, L.P.
(formerly known as SANTA FE PACIFIC
PIPELINES, INC. formerly known as
SOUTHERN PACIFIC PIPELINES INC.),
KINDER MORGAN OPERATING L.P. "D",
and KINDER MORGAN G.P., INC..

Defendants.

CLASS ACTION

Case No. 3:15-cv-00317-LRH-(VPC)
(consolidated with 3:15-cv-00478)

**NOTICE OF SETTLEMENT AND
REQUEST TO CONTINUE STAY**

AND ORDER THEREON

Pursuant to the Court's orders issued on November 29, 2016 and December 1, 2016, Doc. # 155 and 157, this case has been stayed pending Defendant Union Pacific Railroad Company's interlocutory appeal to the United States Court of Appeals for the

1 Ninth Circuit. On February 6, 2018, the court of Appeals entered its opinion in *In re Right-*
2 *of-Way Claims*, Case No. 16-56562 (9th Cir. Feb. 6, 2018). (Ex. A). The mandate from the
3 Ninth Circuit was issued on February 27, 2018.

4 All Plaintiffs in these consolidated cases, and Defendants Union Pacific Railroad
5 Company, SFPP, L.P., Kinder Morgan Operating L.P. “D,” and Kinder Morgan G.P., Inc.,
6 (the “Parties”) hereby inform the Court that the Parties have reached an agreement to resolve
7 this litigation, and counsel for the Parties have executed a settlement term sheet.

8 The Parties respectfully request that the Court enter an order continuing all case
9 deadlines for a period of 60 days to allow for finalization and performance of the settlement,
10 and anticipated dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

12 Dated: March 1, 2018

Respectfully submitted,

13 /s/ John K. Sherk
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23 **O R D E R**

24 IT IS SO ORDERED.

25 DATED this 5th day of March, 2018.

26 
27 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE